

HOUSE JOINT RESOLUTION 280
By Odom

A RESOLUTION to create a special joint committee to study the various issues addressed in the "Patient Advocacy Act of 1997".

WHEREAS, the "Patient Advocacy Act of 1997" (SB 1767/HB 1789) was introduced before this General Assembly because of a growing concern that insurance companies are dictating health care policy in Tennessee and the need for broader health care options in the state; and

WHEREAS, the "Patient Advocacy Act of 1997" requires substantial changes to the health care insurance programs operating in Tennessee. The Act requires disclosure to patients and providers on restrictions on the access to care, the delivery and disclosure of benefits and exclusions, prior authorization procedures, financial arrangements with providers which may lead to limitations on services offered, and drug formulary limitations and processes for obtaining drugs not on formularies; and

WHEREAS, the "Patient Advocacy Act of 1997" requires an insurer to credential any willing health care provider who wishes to participate in a health benefits plan and who agrees to accept the terms and conditions, schedule of fees and expenses, utilization regulations and quality standards of such plan, unless the insurer makes a written determination that such provider has a history of unprofessional conduct or a pattern of malpractice; and

WHEREAS, the "any willing provider" provision of this legislation has engendered a great deal of debate within the General Assembly, as well as the state as a whole; and

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WHEREAS, conflicting opinions have been expressed about whether this “any willing provider” provision will substantially increase health care costs in the TennCare program, with estimates ranging from no increase in costs, to a reduction in savings, to a substantial increase in costs; and

WHEREAS, the Senate Commerce, Labor and Agriculture Committee has determined that these timely issues should be carefully studied by this General Assembly prior to final action being taken on the “Patient Advocacy Act of 1997”; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE-HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That there is hereby created a special joint committee to study the health care, commercial and financial aspects and other issues addressed in the “Patient Advocacy Act of 1997,” including “any willing provider” provisions.

BE IT FURTHER RESOLVED, That the committee shall consist of five (5) members of the House of Representatives and five (5) members of the Senate, to be appointed by the respective speakers.

BE IT FURTHER RESOLVED, That all appropriate state agencies shall provide assistance to the special joint committee upon request of the chair.

BE IT FURTHER RESOLVED, That all legislative members of the special joint committee who are duly elected members of the General Assembly shall remain members of such committee until the committee reports its findings and recommendations to the General Assembly.

BE IT FURTHER RESOLVED, That the special joint committee shall be convened by the member with the most years of continuous service in the General Assembly; and at its first meeting shall elect a chair, vice-chair, and such other officers the committee deems necessary.

BE IT FURTHER RESOLVED, That the special joint committee shall timely report its findings and recommendations, including any proposed legislation or interim reports, to the

One-Hundredth General Assembly no later than January 15, 1998, at which time the committee shall cease to exist.